

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MOTOROLA, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
LEMKO CORPORATION, XIAOHONG)	
SHENG, SHAOWEI PAN, HANJUAN JIN,)	
XIAOHUA WU, XUEFENG BAI,)	
NICHOLAS LABUN, BOHDAN PYSKIR,)	
HECHUN CAI, JINZHONG ZHANG,)	
ANGEL FAVILA, ANKUR SAXENA,)	Case No. 08 CV 5427
RAYMOND HOWELL, FAYE VORICK,)	
and NICHOLAS DESAI,)	
)	
Defendants.)	Judge Matthew F. Kennelly
)	
* * * * *)	Magistrate Judge Geraldine Soat Brown
LEMKO CORPORATION, SHAOWEI PAN,)	
XIAOHUA WU and XIAOHONG SHENG,)	
)	
Counter-Plaintiffs,)	
)	
v.)	
MOTOROLA, INC.,)	
)	
Counter-Defendant.)	

**MOTOROLA, INC.’S MOTION TO SEEK LEAVE TO TAKE
ADDITIONAL DEPOSITIONS OF LEMKO CORPORATION PERSONNEL, LEMKO
INDIVIDUAL DEFENDANTS, AND THIRD PARTIES**

Motorola, Inc. (n/k/a Motorola Solutions, Inc., and hereafter referred to as “Motorola”), by and through its attorneys, hereby moves the Court for leave to take up to ten additional depositions of Lemko Corporation personnel, the Individual Lemko Defendants, and third parties, and in support thereof states as follows:

1. Motorola has noticed the depositions of Timothy Webb, Tony Chamberlain, Andrew Stewart, Chris White, and Beth Zhang, and has requested the continued depositions of

Faye Vorick and Jinzhong Zhang. Motorola has also issued a deposition notice to Ankur Saxena, a named Defendant who has not yet been deposed, and who counsel for Lemko has informed counsel for Motorola may not appear in the United States for his deposition.

2. Motorola thus seeks an order from this Court granting Motorola the right to take up to ten additional depositions. Motorola further requests an order seeking the deposition of Ankur Saxena in the United States.

3. These additional depositions are necessary because, among other things, this case involves fifteen defendants, four counter-defendants, and multiple witnesses who, individually and collectively, have relevant information material to this case. The ten depositions authorized under the Federal Rules of Civil Procedure would not be sufficient to depose all individuals with relevant information to the claims in this case.

4. In addition, some of these deposition notices, e.g., Tony Chamberlain, were prompted because the Lemko Individual Defendants raised them in their own depositions as people possessing information about pertinent subject matter. Motorola requests to depose these individuals as the Lemko Individual Defendants have put them at issue.

5. Several deposition notices, including Jinzhong Zhang, are for the purpose of completing depositions of individuals who were deposed prior to the production of emails and other documents pursuant to discovery requests and prior to supplemental Interrogatory responses that raised new areas of relevant witness testimony.

6. Finally, Motorola seeks to take a small number of depositions of third parties that communicated with Lemko personnel and/or did business with Lemko during the 2002-2004 timeframe, when several of the defendants were still employed at Motorola.

7. The information sought in these depositions is new and not duplicative of prior depositions taken. Motorola intends to depose the Lemko personnel, Lemko Individual Defendants, and third parties solely on the information identified through oral and written discovery on which they are knowledgeable. Moreover, Motorola will endeavor to limit the number of remaining depositions it takes and to attempt to reach agreements with the defendants that might make some of these depositions unnecessary.

8. This motion is made in good faith and not for purposes of delay.

WHEREFORE, Motorola respectfully requests that this Court enter an order to permit Motorola to take at least ten additional depositions of Lemko Corporation personnel, the Lemko Individual Defendants, and third parties.

Date: November 23, 2011

Respectfully submitted,

By: /s/ Jason T. Kunze

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CERTIFICATE OF SERVICE

The undersigned certifies that **MOTOROLA, INC.'S MOTION TO SEEK LEAVE TO TAKE ADDITIONAL DEPOSITIONS OF LEMKO CORPORATION PERSONNEL, LEMKO INDIVIDUAL DEFENDANTS, AND THIRD PARTIES** was served on all counsel who are deemed to have consented to electronic service. Fed. R. Civ. P. 5(b)(2)(D) and Local Rule 5.9.

Date: November 23, 2011

/s/ Jason T. Kunze

Attorney for Plaintiff Motorola, Inc.